

Policy

Title: **Commercial Activities in City of Hobart Parks and Reserves**

Category: **Recreation, Parks, Bushland and Reserves**

Date Last Adopted 23 September 2019

1. Objectives

The purpose of this policy is to outline a framework and principles for making decisions about the use of the City of Hobart's parks and reserves for commercial activities.

This policy ensures that public interest remains paramount, while allowing for commercial activities in circumstances that provide community benefit and enhance the City's parks and reserves.

The objectives of this policy are to:

1. Encourage commercial activities in the City's parks and reserves that enhance recreation and visitor experience.
2. Apply an equitable process in the assessment, procurement, regulation and charging of commercial operators for the commercial use of parks and reserves.

2. Background

The City regulates organised activities in the City's parks, bushland and reserves (including foreshore areas and sporting facilities) with the issuing of permits, licences, leases or bookings. This policy provides guidance on the approval of commercial activities in City of Hobart managed parks and reserves.

The City reserves absolute discretion to accept/decline any proposal for commercial use.

This policy does not apply to:

- (i) Wellington Park.

- (ii) non-commercial use of the park, bushland or reserves
- (iii) filming and photography (refer to fees and charges).

3. Policy

That:

General

1. Commercial activities operating within City of Hobart Parks and Reserves require approval;
2. Commercial activities are to be located within suitable areas as identified in master plans or area based plans, where applicable, or to the satisfaction of the Director City Amenity;
3. The City of Hobart reserves the right to undertake an expression of interest process or similar;

Assessment Criteria

4. Proposals for commercial activities may be reviewed against the following assessment criteria:
 - (i) Demonstrated need

Why the proposal needs to be undertaken on public land and particularly the proposed location.
 - (ii) Compatibility

How the proposal provides a product/service compatible with:

 - (a) the park's facilities and user needs (i.e. as identified in strategic documents like master plans etc).
 - (b) community / key stakeholder views (including potential conflict issues with other park users).
 - (iii) Value

If the proposal provides additional beneficial infrastructure for the area or income which may offset management costs.

(iv) Activation

How the proposal enhances visitor experience or helps activate the park.

(v) Impacts

Consideration of impacts on park values (environmental, social, cultural, recreational) and:

(i) the amenity of the general locality;

(ii) established businesses in the vicinity;

(iii) the City's ability to sustainably maintain the facility / infrastructure (i.e. avoid overuse).

(iv) Sustainability

How the proposal incorporates and promotes ethical, environmental and sustainable practices.

Community Engagement

5. Consideration of community / stakeholder views may form part of the assessment process.

Consultation that has taken place as part of the development of master / area based plans may inform the assessment of the proposal.

A determination on the extent of community consultation required will be made on a case by case basis.

Approval

6. Landlord approval may be granted to the applicant, subject to an assessment of the proposal's suitability being undertaken in accordance with the above criteria.
7. Approval to undertake the commercial activity may be given by way of lease, licence, permit or booking depending on the type of application (Table 1);
8. The Director City Amenity has the discretion to require that any proposal, regardless of size, be referred to the Council for its consideration;
9. Following landlord approval, the applicant will be responsible for gaining all applicable statutory approvals (e.g. planning permit, place of assembly licences etc.);

10. This process is separate to the proponent seeking the General Manager's consent to lodge a development application, if required, for a proposal on land owned or administered by the City.
11. Lease, licences, permits and bookings may include a clause that allows the City the right to revoke the lease, licence, permit or booking subject to conditions;

Fees and Charges

12. The City's fees and charges schedule are to be applied where the proposal fits within the schedule and is deemed appropriate
13. If a proposal does not align with the City's fees and charges schedule, a commercial valuation may be undertaken to determine appropriate charges
14. All direct costs arising from the proposal will be the applicants sole responsibility
15. Any increased operational costs and/or costs associated with reinstatement or repairs resulting from the commercial activity will be charged on a cost recovery basis to the operator. Appropriate bonds may be applied.

Table 1. Approval types and level of site security.

Type of permission	Usual application	Site sharing	Usual time frame	Applicant security over land	Delegation required
Lease	Semi-permanent/ daily/24 hour use.	Nil	>5 yrs <20 yrs	High security	Council
License/ Permit	Daily use or seasonal use	Ability to share	Annual	Medium security	Council
Booking	Daily use to occasional use	Ability to share	Annual	Low to medium security	General Manager

6. Exclusions

This policy does not apply to:

- (i) Wellington Park.
- (ii) the following users of the City of Hobart's parks and reserves:
 - (a) non-commercial recreation use by community members;

- (b) not-for-profit organisations that provide a service to their members and do not receive a financial reward beyond their direct costs to conduct the activity; and
 - (c) primary or secondary school activities conducted as part of the school curriculum.
- (iii) filming and photography (refer to fees and charges).

4. Legislation, Terminology and References

- *Local Government Act 1993*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Land Use Planning and Approvals Act 1993*
- Hobart City Council – *Public Spaces By-Law (By-Law No. 4 of 2018)*.

Terminology

For the purposes of this policy, City of Hobart parks, bushland and reserves include foreshore areas, sporting facilities and undeveloped open space.

Responsible Officer:	Director City Amenity
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History	
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